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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,081	06/15/2001	Karel-Jan Van Der Toorn	NL 000327	9487

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EXAMINER

WILSON, LEE D

ART UNIT	PAPER NUMBER
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3723

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.		Applicant(s)	
	09/882,081		VAN DER TOORN, KAREL-JAN	
	Examiner		Art Unit	
	LEE D. WILSON		3723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Prosecution is being Reopened

1. Prosecution is being reopened in view of last appeal conference where it was determined that the claim does not require workpiece because the workpiece is merely being recited as a matter of intended use and therefore is anticipated by the prior art. There also other issued that were reviewed and are now addressed in the instant office action.

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the sensor or detection means of claim 10 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an

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application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The abstract of the disclosure is objected to because the detection means or sensor of claim 10 should be explained since it is being claimed as patentable subject matter key to the understanding of the invention applicant is forewarned of adding new matter to explain the sensor. Correction is required. See MPEP § 608.01(b).

Claim Objections

3. Claim 10 is objected to because of the definition of the term cassette. The term cassette has multiple dictionary definitions and the prior art meets many of those definitions. The applicant should provide something on the record suggest how the term cassette is being read in view of the claims since there are multiple dictionary definitions. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. Claims 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. "as claimed in claim 1." In claim 9, line 2. It is not clear if the claim is supposed to further limit the invention of claim 1, or if the claim is supposed to be a dependent claim of claim 1. The limitations claim 1 would have to be clearly recited as being in accord or wherein claims 1 limitations are being relied upon, or the limitations of claim 1 would have to be restated in claim 9.
- b. The limitation of claim 10 in regard to the structure position and composition of the detection means in relation to the structure is not understood because of the drawings and disclosure. There for the limitations is not understood in view of the following.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-2, 8, and 9-10 are rejected as best understood under 35 U.S.C. 102(b) as being anticipated by Kato (5206627).

Kato discloses a holder having a base plate (8), a guide member with two guides (6&7) with two tapering sides. a cassette ((3) is not being positively recited as part of the invention and therefor is viewed as a simple workpiece which has an intended use)) and a detector (13&14). In regard to claim 8, any material can be said to have a low

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coefficient of friction because what would the limitation be compared too that would suggest this not be the case?

7. Claims 1-2, 8, and 9-10 are rejected as best understood under 35 U.S.C. 102(b) as being anticipated by Yap et al (5246218).

Yap et al disclose a holder having a base plate (31), a guide member with two guides (30a&30b) with two tapering sides. a cassette ((32) is not being positively recited as part of the invention and therefor is viewed as a simple workpiece which has an intended use)) and a detector could be anything since not structure is provided in the claims or specification to limit what can be imagined to be a detector. In regard to claim 8, any material can be said to have a low coefficient of friction because what would the limitation be compared too that would suggest this not be the case?

8. Claims 1-2, 6-8, and 10 are rejected as best understood under 35 U.S.C. 102(b) as being anticipated by Snell (6152435).

Snell discloses a holder having a base plate (20), a guide member (24) with two guides (60&62) with two tapering sides, bolts and nuts (42&47), and three guides (fig.3B). The means for detachable securing the guides to the base plate is elements (42). It is noted that the cassette is not being positively recited as part of the invention and therefor is viewed as a simple workpiece which has an intended use. The detector could be anything since not structure is provided in the claims or specification to limit what can be imagined to be a detector. In regard to claim 8, any material can be said to have a low coefficient of friction because what would the limitation be compared too that would suggest this not be the case?

9. Claims 1-2, 4-5, and 7-9 are rejected as best understood under 35 U.S.C. 102(b) as being anticipated by Engibarov (5060920).

Engibarov discloses a holder having a base plate (10), a guide member (18) with three guides with two tapering sides (see fig.7 which element 29 has two tapering sides or fig.9 with elements 66&68, all of these read) and the guide is secured (col.3, lines 24-27) to a slot (20) by nut (19) and bolt (25). The means for detachable securing the guides to the base plate is elements (fig. 4 with bolts 25 and the other bolt which is not numbered). It is noted that the cassette is not being positively recited as part of the invention and therefor is viewed as a simple workpiece which has an intended use. The detector could be anything since no structure is provided in the claims or specification to limit what can be imagined to be a detector. In regard to claim 8, any material can be said to have a low coefficient of friction because what would the limitation be compared to that would suggest this not be the case?

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Engibarov (5060920) in view of McConkey (5074536).

c. Engibarov is discussed above.

- d. Engibarov does not disclose guide members with a trapezodial shape.
- e. McConkey discloses a holder having guide members with a trapezodial shape (15&18) which is an alternative shape used to hold a workpiece.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the modified Engibarov device by providing a trapezoidal shape as taught by McConkey which used as an alternative shape used to hold a workpiece.

- f. In regard to claim 6, Engibarov discloses the claimed invention except for nuts and bolts made out of aluminum. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have nuts and bolts made out of aluminum, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

Response to Arguments

12. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

- g. Applicant has new drawing objections, new prior art, specification objects and new claims rejections that rendered the arguments moot. Please see above and address the new rejections.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Dugan et al disclose a device.

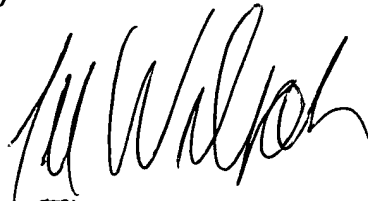
Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEE D. WILSON whose telephone number is 571-272-4499. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOSEPH HAIL can be reached on 571-272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ldw

August 18, 2005



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